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LETTER DATED 15 SEPTEMBER 1994 FROM THE PERMANENT REPRESENTATIVE OF CROATIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

My Government must express its strong disagreement with the position expressed by the Federal Republic of Yugoslavia (Serbia and Montenegro) in the letter from Prime Minister Radoje Kontić of 12 September 1994 (S/1994/1045, annex).

The letter constitutes unacceptable meddling in the internal affairs of the Republic of Croatia, a sovereign State Member of the United Nations. The Federal Republic of Yugoslavia (Serbia and Montenegro) is continuing to act in a way contrary to international law and it is blatantly ignoring Security Council resolutions 815 (1992), 847 (1993), 871 (1993) and 908 (1994). The letter is also a violation of the spirit of the final documents of the Rome meeting of the Conference on Security and Cooperation in Europe (CSCE) (S/26843), which call for reintegration of the United Nations protected areas into the political and legal system of Croatia and for mutual recognition between the Federal Republic of Yugoslavia (Serbia and Montenegro) and Croatia.

We must emphasize that the decision about the future of the mandate of the United Nations Protection Force (UNPROFOR) in Croatia is an exclusive domain of the Croatian Government and the Croatian Parliament; an undeniable right granted to Croatia by the Charter of the United Nations.

The issue of the Serb ethnic community in Croatia, part of which lives in the UNPAs, is an internal problem of Croatia, which can be greatly served by prompt recognition of Croatia by the Federal Republic of Yugoslavia (Serbia and Montenegro). Recognition will expedite the solution-seeking process. The Federal Republic of Yugoslavia (Serbia and Montenegro) should be aware of various bilateral and multilateral mechanisms and standards, such as reciprocity, which address the issue of national groups outside State borders. But these proven mechanisms can be utilized only once mutual recognition is achieved.

Any denial that the occupied territories in Croatia, the UNPAs, are an integral and sovereign part of Croatia is an attempt to politicize what has become international law. Therefore, my Government is at loss of logic when Prime Minister Kontić uses the term "politicize". Security Council resolutions 815 (1992), 847 (1993), 871 (1993) and 908 (1994) clearly confirm that the UNPAs are sovereign territory of Croatia. Moreover, Croatia has been recognized within its prewar borders by 107 States Members of the United Nations.

The members of the Council will agree that the aforementioned resolutions establish a foundation for a political settlement on the question of the UNPAs and that the Vance plan (S/23280, annex III) establishes a mechanism by which a political settlement can be pursued and implemented.

My Government therefore welcomes the position of the Federal Republic of Yugoslavia (Serbia and Montenegro) "that the Vance plan should be fully and consistently implemented", and wishes to recall the critical elements of the plan, which call for, inter alia, the following:

(a) The UNPAs would be demilitarized as rapidly as possible (para. 7);

(b) Military observers would be placed in parts of Bosnia and Herzegovina adjacent to Croatia (para. 13);

(c) UNPA police units would be formed, in proportions reflecting the national composition of the population that lived in the respective UNPAs before hostilities (para. 19);

(d) All displaced persons would be returned to their homes in the UNPAs (para. 20).

The members of the Council will further agree that the Federal Republic of Yugoslavia (Serbia and Montenegro) continues to have substantial influence, real and political, over the activities of its proxies in the UNPAs, and this relationship cannot be condoned in considering options that would lead to full implementation of the Vance plan and that would find a final political settlement for the UNPAs.

Increasing evidence about interference of the Federal Republic of Yugoslavia (Serbia and Montenegro) in the affairs of the Serb community in the UNPAs, through monetary, customs, commerce, educational and military integration, had compelled my Government to ask the General Assembly to consider the issue of occupation of these territories under item 151 of the provisional agenda of the forty-ninth regular session of the General Assembly.

We call on the Federal Republic of Yugoslavia (Serbia and Montenegro) in the future to refrain from making statements regarding the UNPROFOR mandate in Croatia as such statements are contrary to accepted norms of international behaviour and a violation of the spirit of the final documents of the Rome meeting of CSCE.

Once again, we wish to reiterate the position that the question of extending the UNPROFOR mandate in Croatia is the sole domain of the Croatian Government and the Croatian Parliament, which will be considered by taking into account the accomplishments of UNPROFOR and the effects of the decision on the peace and stability in the region.

May I request your kind assistance in distributing this letter as a document of the Security Council.

(Signed) Mario NOBILO
Permanent Representative